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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,281	12/12/2001	Michael Wayne Brown	AUS920010819US1	7038

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
2697	4

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SLY

<b>Office Action Summary</b>	Application No.	Applicant(s)	<i>SJ</i>
	10/015,281	BROWN ET AL.	
	Examiner	Art Unit	
	Md S Elahee	2697	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-53 is/are pending in the application.

4a) Of the above claim(s) 22-51 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-21,52 and 53 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Restriction Requirement*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Group I. Claims 1-21, 52 and 53, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84.
  - Group II. Claims 22-51, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I. Claims 1-21, 52 and 53, drawn to Call intercept or answering at central office, classified in Class 379, subclass 84 and Group II. Claims 22-51, drawn to Voice activation or recognition, classified in Class 379, subclass 88.01 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instant case, invention Group I has separate utility such as for use in Voice activation or recognition for the origin device. See M.P.E.P. § 806.05(d).
3. Because these inventions are distinct for the reason given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated proper.
4. During a telephone conversation with Cynthia S. Byrd on 04/02/03 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-21, 52 and 53. Affirmation of this election must be made by applicant in responding to this Office action. Claims 22-51 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

5. **Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.** Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 7, 9-14, 16, 18-21, 52 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claim 1, Bartholomew teaches receiving speech for a caller at the IP23 external to the central office (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’, ‘IP23’ reads on the claim ‘server’ and ‘central office’ reads on the claim ‘trusted telephone network’).

Bartholomew further teaches a caller identity associated with the speech at the IP23, such that the caller identity is transmittable within the central office as a particular subscriber for a call (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’, ‘IP23’ reads on the claim

‘server’, ‘central office’ reads on the claim ‘trusted telephone network’ and ‘a particular subscriber’ reads on the claim ‘an authenticated identity of the caller’).

Regarding claims 2 and 11, Bartholomew teaches receiving speech through a channel between the IP23 and the central office (fig.1; col.12, lines 6-15, col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’, ‘channel’ reads on the claim ‘secure channel’, ‘IP23’ reads on the claim ‘server’ and ‘central office’ reads on the claim ‘trusted telephone network’).

Regarding claims 3 and 12, Bartholomew teaches receiving, at the IP23, a request for a speaker identification/verification (SIV) functionality from the central office (col.13, lines 41-60; ‘IP23’ reads on the claim ‘server’, ‘speaker identification/verification (SIV) functionality’ reads on the claim ‘caller identity authentication service’ and ‘central office’ reads on the claim ‘trusted telephone network’).

Bartholomew further teaches prompting the caller to provide the speech (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’).

Regarding claims 4, 13 and 21, Bartholomew teaches extracting certain characteristic information from the speech (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’ and ‘speech’ reads on the claim ‘voice utterance’).

Bartholomew further teaches comparing the extracted characteristic information with a stored pattern information for identifying a caller (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’, ‘stored pattern information’ reads on the claim ‘plurality of voice samples stored’ and ‘caller’ reads on the claim ‘plurality of callers’).

Regarding claims 5 and 14, Bartholomew teaches the central office switch comprising a public switched telephone network (fig.1; col.7, lines 16-33; ‘the central office switch’ reads on the claim ‘trusted telephone network’ and ‘public switched telephone network’ reads on the claim ‘telephone network’).

Regarding claim 7, Bartholomew teaches accessing the IP23 from the central office switch through the TCP/IP network (fig.1; col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘IP23’ reads on the claim ‘server’, ‘the central office switch’ reads on the claim ‘trusted telephone network’ and ‘TCP/IP network’ reads on the claim ‘Internet connection’).

Regarding claim 9, Bartholomew teaches transferring the caller identity to the central office switch through a digital transport channel (fig.1; col. 12, lines 6-15, col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘the central office switch’ reads on the claim ‘trusted telephone network’ and ‘digital transport channel’ reads on the claim ‘secure channel’).

Regarding claim 10, Bartholomew teaches the IP23 (remote) communicatively connected to a central office by a TCP/IP network (fig.1; col.17, lines 62-67, col.18, lines 1-25; ‘IP23 (remote)’ reads on the claim ‘server system’, ‘central office’ reads on the claim ‘trusted telephone network’ and ‘TCP/IP network’ reads on the claim ‘external network’).

Bartholomew teaches receiving speech for a caller at the IP23 external to the central office (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’, ‘IP23’ reads on the claim ‘server’ and ‘central office’ reads on the claim ‘trusted telephone network’).

Bartholomew further teaches identifying a caller identity associated with the speech (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’).

Bartholomew further teaches transmitting the caller identity to the central office as a particular subscriber for a call (col.13, lines 41-60; ‘central office’ reads on the claim ‘trusted telephone network’ and ‘a particular subscriber’ reads on the claim ‘an authenticated identity of said caller’).

Regarding claim 16, Bartholomew teaches that the external network is the TCP/IP network (fig.1; col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘TCP/IP network’ reads on the claim ‘Internet’).

Regarding claim 18, Bartholomew teaches database (col.37, lines 21-32, col.42, lines 59-67, col.43, lines 1-67, col.44, lines 1-12; ‘database’ reads on the claim ‘recording medium’).

Bartholomew further teaches receiving speech for a caller at the IP23 (remote) communicatively connected to a central office via a TCP/IP network (fig.1; col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘receiving speech’ reads on the claim ‘enabling receipt of a voice utterance’, ‘IP23 (remote)’ reads on the claim ‘server system’, ‘central office’ reads on the claim ‘trusted telephone network’ and ‘TCP/IP network’ reads on the claim ‘external network’).

Bartholomew further teaches identifying a caller identity associated with the speech (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’).

Bartholomew further teaches controlling transmission of the caller identity to the central office as a particular subscriber for a call (col.13, lines 41-60; ‘central office’ reads on the claim ‘trusted telephone network’ and ‘a particular subscriber’ reads on the claim ‘an authenticated identity of said caller’).

Regarding claim 19, Bartholomew teaches the speech through a digital transport channel between the IP23 (remote) and the central office (fig.1; col. 12, lines 6-15, col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘digital transport channel’ reads on the claim ‘secure channel’, ‘IP23 (remote)’ reads on the claim ‘server system’ and ‘the central office switch’ reads on the claim ‘trusted telephone network’).

Regarding claim 20, Bartholomew teaches receiving at the IP23 (remote) of a request for a caller identity identification service from the central office (fig.1; col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘receiving’ reads on the claim ‘enabling receipt’, ‘IP23 (remote)’ reads on the claim ‘server system’, ‘identification service’ reads on the claim ‘authentication service’ and ‘central office’ reads on the claim ‘trusted telephone network’).

Bartholomew further teaches prompting the caller to provide the speech (col.13, lines 41-60; ‘speech’ reads on the claim ‘a voice utterance’).

Regarding claim 52, Bartholomew teaches receiving, from a central office, a caller identity for a caller at a telephony device wherein the caller identity is identified at a speaker identification/verification functionality accessible via an IP23 external to the central office, wherein the central office initiates the identification/verification functionality (fig.1; col.13, lines 41-60; ‘central office’ reads on the claim ‘trusted telephone network’, ‘caller identity’ reads on the claim ‘authenticated caller identity’, ‘identified at a speaker identification/verification functionality’ reads on the claim ‘authenticated at a authentication service’ and ‘IP23’ reads on the claim ‘network’).

Bartholomew further teaches controlling output of the caller identity from the telephony device, such that the called party with access to the telephony device is informed of the identity

of the caller (col.13, lines 41-60, col.22, lines 30-67, col.23, lines 1-22; ‘caller identity’ reads on the claim ‘authenticated caller identity’ and ‘called party’ reads on the claim ‘individual’).

Regarding claim 53, Bartholomew teaches receiving, at a telephony device, digital transport channel via a central office to a speaker identification/verification functionality, wherein the central office initiates the identification/verification functionality (fig.1; col.12, lines 6-15, col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; ‘digital transport channel’ reads on the claim ‘secure channel’, ‘central office’ reads on the claim ‘trusted telephone network’ and ‘speaker identification/verification functionality’ reads on the claim ‘authentication service’).

Bartholomew further teaches facilitating, from the telephony device, communications between the speaker identification/verification functionality and a caller such that the speaker identification/verification functionality is enabled to identify an identity of the caller (col.13, lines 41-60; ‘speaker identification/verification functionality’ reads on the claim ‘authentication service’, ‘caller identity’ reads on the claim ‘authenticated caller identity’, ‘called party’ reads on the claim ‘individual’ and ‘identify’ reads on the claim ‘authenticate’).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Patent No. 6,167,119) and in view of Stumer et al. (U.S. Pub. No. 2002/0136363).

Regarding claims 6 and 15, Bartholomew fails to teach “trusted telephone network comprises a private switching system”. Stumer teaches central office comprising a private network (abstract; fig.1; page no.2, paragraphs 0025, 0026; ‘central office’ reads on the claim ‘trusted telephone network’ and ‘private network’ reads on the claim ‘private switching system’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow trusted telephone network comprising a private switching system as taught by Stumer. The motivation for the modification is to have the private switching system in order to make use of private lines over carrier transmission facilities.

10. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (U.S. Patent No. 6,167,119) and in view of Yoon et al. (U.S. Pub. No. 2001/0047414).

Regarding claim 8, Bartholomew fails to teach “accessing said server from said trusted telephone network through a private network connection”. Yoon teaches accessing the IP from the PSTN network through a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; ‘IP’ reads on the claim ‘server’, ‘PSTN network’ reads on the claim ‘trusted telephone network’ and ‘dedicated private network’ reads on the claim ‘private network connection’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow accessing the server through a private network

connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

Regarding claim 17, Bartholomew fails to teach “external network is a private network”. Yoon teaches that external network is a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; ‘dedicated private network’ reads on the claim ‘private network’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bartholomew to allow external network as a private network connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alam Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jeffrey Hofsass can be reached on (703)305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Art Unit: 2697

M. E.  
MD SHAFIUL ALAM ELAHEE  
April 14, 2003

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